

# HellerEhrman

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## Facsimile Transmittal

*Glucosaminoglycans*

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### Message:

Mr. Yaen:

Below is a proposed claim amendment of Claim 34 in U.S. Patent Application Serial No. 09/763,794 and an excerpt the relevant portions of the Final Office Action mailed July 30, 2003. Please let me know if the claim, as amended, is allowable. We plan to file a response by tomorrow, 9/30/03. Thank you for your consideration.

Claim 34. (currently amended). A process for maturing dendritic cells, comprising:

culturing mononuclear cells together with hyaluronic acid fragments in order to cause the mononuclear cells to mature irreversibly into dendritic cells,

wherein said hyaluronic acid fragments ~~comprises from~~ consists of 2 to 12 building blocks, and wherein said building block ~~comprises~~ consists of D-glucuronic acid and N-acetyl-D-glucosamine linked by a  $\beta$ 1-3 glycosidic bond.

Applicable Excerpts from Final Office Action mailed July 30, 2003.

1. The rejection of claim 34 under 35 U.S.C. § 102(b) as being anticipated by Wenge et al. is maintained for the reasons of record. Applicant argues that Wenge et al. teaches a process of

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Page 2**Message (Continued):**

maturation using the high molecular weight hyaluronic acid fragments, while the newly amended claims recite a method of using low molecular weight hyaluronic acid having a size of 2000-5000 Daltons. Applicant's arguments are not found persuasive because the claims as currently interpreted still read on hyaluronic acid proteins that are of larger molecular weight because of the recitation of the term "comprises". In the absence of evidence to the contrary, high molecular weight hyaluronic acid inherently would have at least 2-12 building blocks, given that smaller fragments have at least 2-12.

The rejection of claims 57 under 35 USC 102(b) as being anticipated by Noble et al is maintained for the reasons of record. Applicant argues that Noble et al. teach hyaluronic acid fragments that are 200,000 daltons, while that of the instantly claimed invention are 2000-5000 Daltons. Applicant's arguments are not found persuasive because the claims as currently interpreted still read on hyaluronic acid proteins that are of larger molecular weight because of the recitation of the term "comprises". In the absence of evidence to the contrary, high molecular weight hyaluronic acid inherently would have at least 2-12 building blocks, given that smaller fragments have at least 2-12.

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